

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 6, 7, 9-23, 25-31, and 33-48 are pending in this case, Claims 1, 6, 9, 21-23, 31, and 33-38 having been amended; and Claims 3-5 and 8 having been cancelled without prejudice or disclaimer. Support for amended Claims 1, 6, 9, 21-23, 31, and 33-38 can be found in the original claims, drawings, and specification as originally filed.<sup>1</sup> No new matter has been added.

In the outstanding Office Action, Claims 1-4, 11-18, 23, 25-30, 33-34, and 36-37 were rejected under 35 U.S.C. §103(a) as unpatentable over Friz et al. (U.S. Patent No. 5,786,994, hereinafter “Friz”) in view of Applicants’ Background of the Invention (hereinafter “ABI”); Claims 5-9 were rejected under 35 U.S.C. §103(a) as unpatentable over Friz and ABI in view of Ridolfo (U.S. Patent No. 6,735,549); Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over Friz and ABI in view of Kucek et al. (U.S. Patent No. 6,832,199, hereinafter “Kucek”); Claims 19-22 were rejected under 35 U.S.C. §103(a) as unpatentable over Friz and ABI in view of Babula et al. (U.S. Patent No. 6,381,557, hereinafter “Babula”); and Claims 31, 35, and 38 were rejected under 35 U.S.C. §103(a) as unpatentable over Ridolfo in view of ABI.

Applicants acknowledge with appreciation the courtesy of Examiner Nguyen in granting an interview in this case with Applicants’ representative on November 10, 2008, during which time the issues in the outstanding Office Action were discussed as substantially summarized hereinafter and also on the Interview Summary Sheet. No agreement was reached during the interview pending a formal response to the outstanding Office Action.

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<sup>1</sup> See original Claims 3-5 and 8; and Figures 12a, 12b, 17, and 18.

In response to the rejections under 35 U.S.C. §103(a), Applicants respectfully submit that amended Claim recites novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 is directed to a medical equipment management apparatus for managing medical equipment provided in a medical facility including, *inter alia*:

... a reception unit connected to the network, configured to receive parameter data from the medical equipment located in the medical facility;

a storage unit connected to the network, configured to store the parameter data;

a prediction unit connected to the network, configured to calculate an expectancy of the parameter data to be received in the future based on the stored parameter data;

a determination unit connected to the network, configured to **determine a value of the expectancy based on the relation of the expectancy to a first predetermined threshold level and a second predetermined threshold level exceeding the first threshold level**;

a second reception unit connected to the network configured to receive a reference request for the expectancy from a requester;

a providing unit connected to the network configured to allow the requester to refer to information of the expectancy based on the received reference request; and

an informing unit configured to issue **a notification message via the network to a first address when the expectancy is determined to be between the first threshold level and the second threshold level and to a second address when the expectancy is determined to exceed the second threshold**.

Page 5 of the outstanding Office Action states that Friz describes a “system (46) for comparing the frequency of each type of error to a threshold, wherein if the frequency of a particular error exceeds the threshold, system (46) recognizes a potential oncoming fault condition and automatically initiates an order for a service technician to visit the location

associated with the particular laser imager and visually displaying a report on a panel of the errors for a laser imager user (col. 12 lines 13-21; col. 15, lines 34-61).

However, Applicants respectfully submit that Friz fails to teach or suggest “*a determination unit connected to the network, configured to determine a value of the expectancy based on the relation of the expectancy to a first predetermined threshold level and a second predetermined threshold level exceeding the first threshold level,*” as in Applicants’ Claim 1.

Column 15, lines 34-61 of Friz state:

The system 46 includes in the error report all errors logged since the last polling period for analysis by a technician and/or a user of the laser imager 14<sub>1</sub>-14<sub>N</sub>. The system 46 also may include the frequency of each type of error for a particular laser imager 14<sub>1</sub>-14<sub>N</sub>. The system 46 compares the frequency of each type of error to a threshold. If the frequency of a particular error exceeds the threshold, system 46 recognizes a potential oncoming fault condition and automatically initiates an order for a service technician to visit the location associated with the particular laser imager 14<sub>1</sub>-14<sub>N</sub>. Thus, system 46 enables a degree of anticipation of conditions that could render the laser imager 14<sub>1</sub>-14<sub>N</sub> unusable, and proactively initiates a service call without the need for a request by the user of the laser imager.

Thus, Friz only describes that the frequency of errors are compared with one threshold. Friz does not describe that a value of an expectancy of parameter data to be received in the future is determined based on the relation of the expectancy to a first predetermined threshold level and a second predetermined threshold level exceeding the first threshold level. In other words, Friz compares the frequency of past errors to one threshold, whereas in Claim 1, an expectancy of parameter data to be received in the future is determined based on the relation of the expectancy to two different thresholds.

Friz also fails to teach or suggest “an informing unit configured to issue a notification message via the network to a first address when the expectancy is determined to be between the first threshold level and the second threshold level and to a second address when the

expectancy is determined to exceed the second threshold,” as recited in Claim 1. Column 15, lines 49-54 of Friz describes that the system 46 recognizes a potential oncoming fault condition and automatically initiates an order for a service technician to visit the location associated with the particular laser imager 14<sub>1</sub>-14<sub>N</sub>. Thus, Friz only describes that an order is initiated for a service technician, and does not describe that the order is sent via a network to two different addresses based on whether an expectancy is determined to be between a first threshold level and a second threshold level, or exceeds a second threshold.

Accordingly, Applicants respectfully submit that amended Claim 1 patentably distinguishes over Friz. Further, Applicants respectfully submit that ABI, Ridolfo, Kucek, and Babula fail to cure any of the above-noted deficiencies of Friz.

Independent Claims 33 and 34 recite “issuing a notification message via a network to a first address when the expectancy is determined to be between a first threshold level and a second threshold level and to a second address when the expectancy is determined to exceed the second threshold.” Independent Claim 36 recites “a notification message indicating a situation of the medical equipment via the network to a first address when the expectancy is determined to be between the first threshold level and the second threshold level and to a second address when the expectancy is determined to exceed the second threshold....”

Lastly, independent Claim 37 recites “determine a value of the expectancy based on a relation of the expectancy to a first predetermined threshold level and a second predetermined threshold level exceeding the first threshold level ....” Therefore, the arguments presented above with respect to Claim 1 are also applicable to Claims 33-34 and 36-37.

Thus, it is respectfully submitted that independent Claims 1, 33-34, 36-37 and all claims depending therefrom patentably distinguish over Friz and ABI.

Accordingly, Applicants respectfully request the rejection of Claims 1-4, 8-9, 11-18, 23-30, 33-34, and 36-37 under 35 U.S.C. §103(a) as unpatentable over Friz in view of ABI, be withdrawn.

In response to the rejection of Claims 31, 35, and 38 under 35 U.S.C. § 103(a), Applicants respectfully submit that amended independent Claims 31, 35, and 38 recite novel features clearly not taught or rendered obvious by the applied references.

Amended Claim 31 is directed to a medical equipment management apparatus for managing medical equipment including, *inter alia*:

... an informing unit configured to send ***a notification message over the network to a second computer*** according to the determined date.

Independent Claims 35 recites “issuing a notice to a second computer according to the determined date.” Independent Claim 38 recites “an informing unit configured to issue a notice to a second computer according to the determined date.” Therefore the arguments presented below are also applicable to independent Claims 35 and 38.

Page 16 of the outstanding Office Action, in the Response to Arguments section, states that the “Examiner considers displaying the predicted failure date to be ‘a notice’ and that ‘the Applicant provides no definition for notice.’ In response, Applicants have amended Claim 31 to more clearly distinguish Applicants’ invention from Ridolfo.

Column 10, line 64 to column 11, line 25 of Ridolfo describes that an interactive display associated with a Date-of-Failure Module is outputted on a video display unit 8. Thus, Ridolfo merely describes outputting a video signal to a video display unit. Ridolfo does not describe sending a ***notification message over the network*** to a ***second computer*** according to the determined date, as recited in Applicants’ amended Claim 31.

The video display unit in Ridolfo is not another computer across a network, and the outputted video signal is not a notification message sent over the network according to the determined date.

Accordingly, Applicants respectfully request the rejection of Claims 31-32, 35, and 38 under 35 U.S.C. § 103(a) be withdrawn.

With regard to the rejections of Claims 5-7, 10, and 19-22 under 35 U.S.C. § 103, Applicants note that these claims are dependent on Claim 1 and are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that none of Ribolo, Kucek, or Babula, considered alone or together in any proper combination, cure any of the above-noted deficiencies of Friz and ABI.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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